



15 MAR 2006

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In re application of :
IWAKURA, Masahiro; et al. :
U.S. Application No.: 10/553,626 :
Filing Date: 09 April 2004 :
Attorney Docket No.:040894-7330 :
For: PROTEIN ARRAY AND PROCESS :
FOR PRODUCING THE SAME :

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This decision is in response to applicants' "Petition to Revive an Abandoned Application under 37 CFR 1.37(b)" filed 07 March 2006 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 09 April 2004, applicants filed international application PCT/JP04/005150 which claimed priority of an earlier application filed 10 April 2003. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 10 October 2005.

On 07 March 2006, applicants filed a transmittal for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); and the present petition to revive pursuant to 37 CFR 1.137(b).

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional," and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

With regard to Item (1), the proper response, i.e., the submission of the basic national fee has been received.

As to Item (2), the appropriate petition fee of \$1500.00 as required by 37 CFR 1.17(m) has been paid.


With regard to Item (3), applicant's statement that "[t]he entire delay in filing the national stage application in the USPTO as well as the entire delay in filing this Petition from the due date set forth by 37 C.F.R. 1.495(b) until the filing of this Petition was unintentional" is construed to mean "that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. If this interpretation is incorrect, Applicant must immediately notify the Office of PCT Legal Administration. As such, the requirement under 37 C.F.R. 1.137(b)(3) has been satisfied.

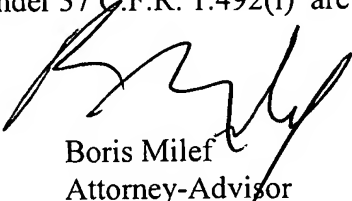
As to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

CONCLUSION

All of the requirements of 37 CFR 1.137(b) have been met and applicant's petition to revive is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 C.F.R. 1.497(a)-(b), a surcharge fee under 37 C.F.R. 1.492(h), a translation of the international application and a processing fee under 37 C.F.R. 1.492(i) are required.


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